

**AN ORDINANCE AMENDING DESIGNATED PROVISIONS
OF CHAPTER 2, ARTICLE V OF THE FORT SMITH MUNICIPAL CODE
CONCERNING THE CITY ADMINISTRATOR'S PURCHASING AUTHORITY**

**BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE
CITY OF FORT SMITH, ARKANSAS, THAT:**

SECTION 1: Chapter 2, Article V, Section 2-162 of the Fort Smith Municipal Code is hereby amended to read as follows:

The city administrator, or designated representative, is hereby authorized to approve, or disapprove, for payment out of funds previously appropriated for that purpose, any bills, debts or statements presented to the city and resulting from the supplying of goods, properties or services to the city; provided, however, if the amount of any bill, debt or liability exceeds seven hundred fifty thousand dollars (\$750,000), the payment or disapproval thereof shall require the confirmation of the board of directors.

SECTION 2: Chapter 2, Article V, Section 2-182 (a), (b), (c) and (d)(3) of the Fort Smith Municipal Code is hereby amended to read as follows:

(a) In exercising his authority as set forth in section 2-181, the city administrator, or designated representative, shall conform to the procedures in this section.

(b) The following procedures shall apply to purchases of or contracts for any supplies, materials or equipment for the various offices, departments and agencies of city government (purchases) or for the construction of municipal improvements (contracts):

(1) All purchases or contracts where the expenditure therefor is less than one thousand dollars (\$1,000) may be made by the city administrator, or designated representative, without securing oral or written competitive quotes.

(2) All purchases or contracts where the expenditure is one thousand dollars (\$1,000) or more, but less than seven thousand five hundred (\$7,500) may be made by the city administrator, or designated representative, after securing oral competitive quotes therefor.

(3) All purchases where the expenditure therefor is seven thousand five hundred dollars (\$7,500) or more, but less than seventy-five

thousand dollars (\$75,000) may be made by the city administrator, or designated representative, after the securing of three (3) or more written competitive quotes, if possible. If three (3) written competitive quotes are not obtained, the purchase request form must show the names of at least three (3) suppliers contacted in attempting to obtain competition or note the reason three (3) suppliers were not contacted.

(4) All purchases where the expenditure is seventy-five thousand dollars (\$75,000) or more may be made after the securing of competitive written bids and with the approval of the bid by the city administrator and board of directors.

(5) All contracts where the expenditure therefor is seven thousand five hundred dollars (\$7,500) but less than twenty thousand (\$20,000) may be made by the city administrator, or his designated representative, after the securing of three or more written bids. If three (3) written bids are not obtained, the purchase request form must show the names of at least three (3) firms contacted in attempting to obtain competition or note the reason three (3) firms were not contacted.

(6) All contracts where the expenditure is twenty thousand dollars (\$20,000) or more may be made with the approval of the board of directors after securing of competitive bids.

(c) The following procedures shall apply to all contracts for services, other than those expressly provided for in subsection (d) of this section, to be rendered to the city:

(1) Utilizing budgeted funds, the city administrator is authorized to enter into any such contract for services where the expenditure therefor is not more than seventy-five thousand dollars (\$75,000) after soliciting and reviewing written proposals from interested and qualified providers of such services. Such written proposals shall include a statement of the scope of services to be provided, qualifications of the providers of the service fees and charges, and any other information the city administrator may require.

(2) Utilizing budgeted funds, the city administrator is authorized to enter into any such contract for services where the expenditure is seventy-five thousand dollars (\$75,000) or more but less than three hundred thousand dollars (\$300,000) after soliciting and reviewing written proposals from interested and qualified providers of such services. Such written proposal shall include a statement of the scope of services to be provided, qualifications of the providers of the services, fees and charges, and any other information the city administrator may require. With reference to those contracts described in this subsection, before execution of any such contract

for services on behalf of the city, the city administrator shall notify the board of directors in writing of the execution of the contract for services, the designation of the budgeted fund from which such contract for services will be paid and the date on which execution of the contract will be made.

(3) The city administrator is authorized to secure competitive bids for any such contract for services where the expenditure is three hundred thousand dollars (\$300,000) or more. Such written bids shall include a statement of the scope of services to be provided, qualifications of the providers of the services, fees and charges, and any other information the city administrator may require. The selected bid shall require approval of the city administrator and the board of directors.

(d) (3) Utilizing budgeted funds, all contracts providing for total compensation for services and expenses to be supplied to the city of seventy-five thousand dollars (\$75,000) or less shall be entered into by the city administrator. All contracts for services in excess of seventy-five thousand dollars (\$75,000) shall be authorized by the board of directors.

SECTION 3: Chapter 2, Article V, Section 2-183 (a) and (c) of the Fort Smith Municipal Code are hereby amended to read as follows:

(a) Where the amount of any expenditure for a purchase for supplies, materials or equipment for the various offices, departments and agencies of the city government is seventy-five thousand dollars (\$75,000) or more, or for any contract for services to be rendered to the city is seventy-five thousand dollars (\$75,000) or more, the city administrator or designated representative shall invite competitive bidding thereon by legal advertisement published one (1) time in a daily local newspaper. Bids received pursuant to such advertisement shall be opened not less than fifteen (15) days including the date of invitation to bid. The bidding procedure as set forth in this and other provisions of the city shall not be exclusive of other state-mandated bidding procedures.

(c) Where the amount of any expenditure for the construction of municipal improvements is twenty thousand dollars (\$20,000) or more, the city administrator or designated representative shall invite competitive bidding thereon by legal advertisement published one (1) time in a daily local newspaper. Bids received pursuant to such advertisement shall be opened not less than fifteen (15) days including the date of invitation to bid. The bidding procedure as set forth in this and other provisions of the city shall not be exclusive of other state-mandated bidding procedures.

SECTION 4: Chapter 2, Article V, Section 2-202 of the Fort Smith Municipal Code is hereby amended to read as follows:

Where the value of supplies, materials, apparatus or equipment to be sold, exchanged or transferred pursuant to Section 2-201 is such that it is reasonably expected to result in a credit to the city in the amount of seven thousand five hundred dollars (\$7,500) or more, the city administrator, or designated representative, shall invite competitive bidding thereon by legal advertisement in any local daily newspaper. Bids received pursuant to such advertisement shall be opened not less than fifteen (15) days including the date of invitation to bid. The city administrator, or designated representative, shall transmit to the board of directors a tabulation of all bids received. The selected bid shall require approval of the city administrator and the board of directors. All received bids may be rejected.

SECTION 5: The introductory clause to each of subsections (1), (2), and (3) of Section 2-214 of the Fort Smith Municipal Code are hereby amended to read:


- (1) For acquisitions of a value up to five thousand dollars (\$5,000):
- (2) For acquisitions of a value between five thousand one dollars (\$ 5,001) and twenty thousand dollars (\$20,000):
- (3) For acquisitions of a value greater than twenty thousand dollars (\$20,000):

SECTION 6: Emergency Clause. In recognition of normal inflation and other factors contributing to rising costs and realizing the City of Fort Smith often needs to respond to purchasing needs in an expedited fashion through authority provided to the City Administrator, the Board of Directors determines that there is an immediate need for the effectiveness of these proposed Code changes, and thus an emergency is declared to exist and this Ordinance will be in full force and effect from this date.


PASSED AND APPROVED this 4th day of December, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:


Publish Time